

REMARKS

In accordance with the foregoing, claims 1-15 are amended for form without narrowing the claims within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 56 USPQ2d 1865 (Fed. Cir. 2000).

No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended claims 1-15 are respectfully requested.

Claims 1-15 are pending and under consideration.

ITEMS 5-6: REJECTION OF CLAIMS 1-15 UNDER 35 U.S.C. §112, ¶2

The Examiner rejects claims 1-15 under 35 U.S.C. §112, second paragraph, as indefinite contending the claims "appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors." (Action at page 2).

Claims 1-15 are amended herein, for form. Applicant submits claims 1-15, as amended, comply with 35 U.S.C. §112 and request withdrawal of the rejection and allowance of claims 1-15.

ITEM 8, PAGES 3-5: REJECTION OF CLAIMS 1 AND 3 UNDER 35 U.S.C. §103(a) OVER HERZ (U.S.P. 6,460,036) IN VIEW OF KENT (U.S.P. 2002/ 0040374)

The Examiner rejects independent claim 1, and claim 3, dependent thereon, under 35 U.S.C. §103(a) as being unpatentable over Herz (U.S.P. 6,460,036) in view of Kent (U.S.P. 2002/0040374)

According to aspects of the present invention, layout information is used for distribution of information corresponding to a response to a request from a user. As understood in the art, such a layout of articles can determine an importance of an information in an article. For example, a layout of articles in a printed medium such as a newspaper, is a decision of an editor of the newspaper in consideration of the importance of information in the article.

Independent claim 1, as amended, recites an information distributing method using layout information for distribution of information corresponding to a response to a request from a user, including "receiving the request from the user, and outputting a way the information is handled in an information source as layout information to the user; receiving from the user, a designation of information to be distributed according to the layout information; and distributing the designated information."

Prima Facie* Obviousness Not Established*Features Of Claims Not Described By Cited Art Alone Or In Combination**

As provided in MPEP §2143.03 "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490

F. 2d 1981, (CCPA 1974)."

The Action concedes that Herz does not teach a method in which information is presented to show that it meets the requirements based on layout information. (Action at pages 3-4). Instead, Herz teaches (col. 79, lines 45-65) a method that:

. . . generates sets of search profiles for the users based on such attributes as the relative frequency of occurrence of words in the articles read by the users, and uses these search profiles to efficiently identify future articles of interest. . . . A method has also been presented for automatically generating menus to allow users to locate and retrieve articles on topics of interest. This method clusters articles based on their similarity, as measured by the relative frequency of word occurrences.

The Examiner contends that Kent, citing paragraph [0010], teaches a method "in which requirements can be set in that are met by how the information is actually laid out and presented based on that." (Action at page 4).

Applicant submits that Kent does not teach an information distributing method using layout information for distribution of information corresponding to a response to a request from a user.

While Kent teaches in paragraph [0010] that "consumers can customize and personalize magazines, newspapers, and other printed products they receive," and in paragraph [0056] that "(a) user is able to manually enter information into a predefined or free form format to personalize the writings and illustrations in a magazine," Kent does not teach receiving from the user, a designation of information to be distributed according to the layout information (that layout having been determined by another). Kent teaches in paragraph [0064] that in retrieving information "a program can be used to query the user's profile information to determine that the user had children, access the user's home page to retrieve screen."

That is, Kent does not teach a distribution of information according to a layout.

Conclusion

Since features of independent claim 1, and claim 3 dependent thereon, are not taught by the cited art alone or in combination, and *prima facie* obviousness is not established, the rejection should be withdrawn and claims 1 and 3 allowed.

ITEM 8, PAGES 4-5,7: REJECTION OF CLAIMS 2-4 AND 13 UNDER 35 U.S.C. §103(a) OVER HERZ IN VIEW OF KENT

The Examiner rejects independent claim 2, and claim 4 dependent thereon, under 35 U.S.C. §103(a) over Herz in view of Kent. (Action at pages 4-5). The Examiner rejects claim 13 along the same rationale as in the rejection of claim 2. (Action at page 7).

Independent claim 2, as amended, recites an information distributing method using layout information for distribution of information corresponding to a request from a user, including

"outputting the retrieved handling information as layout information to the user; receiving from the user, a designation of information to be distributed according to on the layout information; and distributing the designated information." Independent claim 13, as amended, recites an information distributing method for distributing information corresponding to a request from a user using layout information, including "adding information indicating a way the information is handled in an information source to each piece of information; receiving a request for information from a user according to the; and distributing the requested information."

The Examiner concedes that Herz does not teach a method in which information is presented to show that it meets the requirements based on layout information based on how it is treated in the source, but contends that Kent discloses a method in which requirements can be set in that are met by how the information is actually laid out and presented based on that. (Action at page 4).

***Prima Facie* Obviousness Not Established**

Features Of Claims Not Described By Cited Art Alone Or In Combination

As discussed above, Herz or Kent, alone or in combination, do not teach features of using layout information for distribution of information. Herz or Kent do not teach outputting retrieved handling information as layout information to the user.

Conclusion

Since features of independent claim 2, and claim 4 dependent thereon, and independent claim 13 are not taught by the cited art alone or in combination and *prima facie* obviousness is not established, the rejection should be withdrawn and claims 2, 4, and 13 allowed.

ITEM 8, PAGES 5-6: REJECTION OF CLAIMS 5-6 UNDER 35 U.S.C. §103(a) OVER HERZ IN VIEW OF KENT

The Examiner rejects independent claim 5, and claim 6 dependent thereon, under 35 U.S.C. §103(a) over Herz in view of Kent.

Independent claim 5, as amended, recites an information receiving method using layout information for externally receiving necessary information, including "receiving a designation of information determined by a user as necessary according to the layout information; and externally requesting distribution of the designated information."

The Action concedes that Herz does not teach a method in which information is presented to show that it meets the requirements based on layout information, but that Kent discusses a method in which requirements can be set in that are met by how the information is actually laid out and presented based on that." (Action at page 5).

As discussed above, Herz or Kent alone or in combination do not teach features of the using layout information for distribution of information. Herz or Kent do not teach receiving a designation of information determined by a user as necessary according to the layout information.

Conclusion

Since features of independent claim 5, and claim 6 dependent thereon, are not taught by the cited art alone or in combination and *prima facie* obviousness is not established, the rejection should be withdrawn and claims 5 and 6 allowed.

ITEM 8, PAGES 5-6: REJECTION OF CLAIMS 7-10 UNDER 35 U.S.C. §103(a) OVER HERZ IN VIEW OF KENT

The Examiner rejects independent claim 7, and claim 9 dependent thereon, and independent claim 8, and claim 10 dependent thereon, under 35 U.S.C. 103(a) over Herz in view of Kent along same rationale as claim 1, and 3 respectively. (Action at pages 5-6).

Independent claim 7 recites a portable computer-readable storage medium storing a program used to direct a computer for distributing information corresponding to a request from a user, by "receiving from the user, a designation of information to be distributed according to the layout information." Independent claim 8 recites a portable computer-readable storage medium storing a program used to direct a computer for externally receiving distribution of necessary information, by "externally outputting a request for designation of possibly required information; externally receiving information, as layout information, indicating a way the information is handled in an information source; (and) receiving a designation of information determined by a user as necessary according to the layout information."

***Prima Facie* Obviousness Not Established**

Features Of Claims Not Described By Cited Art Alone Or In Combination

As discussed above, Herz or Ken, alone or in combination do not teach features of the designation of information to be distributed according to the layout information. Herz or Kent do not teach receiving a designation of information determined by a user as necessary according to the layout information."

Conclusion

Since features of independent claim 7, and claim 9 dependent thereon, and independent claim 8, and claim 10 dependent thereon, are not taught by the cited art alone or in combination and *prima facie* obviousness is not established, the rejection should be withdrawn and claims 7-10 allowed.

ITEM 8, PAGE 6: REJECTION OF CLAIMS 11-12 AND 14-15 UNDER 35 U.S.C. §103(a) OVER HERZ IN VIEW OF KENT

The Examiner rejects claims 11 and 12 under 35 U.S.C. §103(a) over Herz in view of Kent. (Action at pages 6-7). The Examiner rejects claims 14 and 15 along the same rationale as the rejection of claims 11 and 12, respectively. (Action at page 7).

Independent claim 11 recites an information distribution apparatus for distribution of information corresponding to a request from a user using layout information, including "a layout information output unit for outputting to the user the retrieved handling information as layout information; and an information distribution unit distributing information requested for distribution according to the layout information to the user." Independent claim 12 recites an information distribution apparatus using layout information for externally distributing necessary information, including "distribution request unit externally requesting distribution of the information determined by a user as necessary information according to the layout information."

Independent claim 14 recites an information distribution apparatus for distribution of information corresponding to a request from a user using layout information, including "an information distribution means for distributing information requested for distribution according to the layout information to the user." Independent claim 15 recites an information distribution apparatus using layout information for externally distributing necessary information, including "a distribution request means for externally requesting distribution of the information determined by a user as necessary information according to the layout information."

Prima Facie* Obviousness Not Established*Features Of Claims Not Described By Cited Art Alone Or In Combination**

As discussed above, Herz or Kent, alone or in combination, do not teach features of the using layout information. Herz or Kent do not teach distributing information requested for distribution according to the layout information to the user.

Conclusion

Since features of claims 11-12 and 14-15 are not taught by the cited art, alone or in combination, and *prima facie* obviousness is not established, the rejection should be withdrawn and claims 11-12 and 14-15 allowed.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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